

## **HEALTH FACILITY COMMITTEE MEETING**

Cannon Health Building, Room 125

9:00 a.m., April 30, 1999

**Members Present:** Helen Rollins; Kathleen Fitzgerald; Joyce Wanta; Gayle Morawitz; Kathy Siskin; Glade Bigler; Michael Stransky; J. Stephen Anderson; Steven Bateman; Travis Jackman; Leora Medina; Lou Ann B. Jorgensen

**Members Absent:** Patrick Kronmiller.

**Staff:** Debra Wynkoop-Green; David Eagar; Larry Naylor; Bonnie Bigler.

The meeting was called to order at 9:05 a.m.

1. **Welcome**

Ms. Rollins welcomed all in attendance.

2. **February 26, 1999 Minutes.**

Mr. Bigler made a motion to accept the April 30, 1999 minutes. Ms. Fitzgerald seconded the motion. The **MOTION PASSED** unanimously.

3. **Licensure Actions/Sanctions.**

Mr. Eagar updated the committee on the Licensure Actions/Sanctions that have been processed since the February meeting.

Mr. Stransky inquired if Robbins Friendship Manor has closed. Mr. Eagar stated the Bureau received notice April 29, 1999, that a new management group had acquired the facility and made the decision to voluntarily close.

4. **Sub-Committee Assignments**

Ms. Wynkoop-Green stated that requests for nominations have been mailed to interested parties to serve on the staff to patient ratio and end of life sub-committees. She then stated that there will be some ex-officio members included from the Department of Health.

Ms. Rollins queried if a member of the Licensing staff had been assigned to staff the sub-committees. Ms. Wynkoop-Green responded saying no, a new staff person is presently being recruited and then staff will be assigned for support.

Ms. Wynkoop-Green stated that Ms. Bloswick introduced the issue of staff to resident ratios to the committee as the State Long Term Care Ombudsman, however, she will be terminating as the State Long Term Care Ombudsman and starting a new career.

Ms. Bloswick responded that she will be retiring, and expressed appreciation of all the support she's been given. She requested that her name be taken off the sub-committee list and that the new State Long Term Care Ombudsman's name be added when he/she is hired.

Ms. Joan Gallagos, inquired why the Utah Association of Healthcare Providers has two representatives on the sub-committee lists and the Utah Health Care Association has one. Ms. Wynkoop-Green responded saying the Utah Association of Healthcare Providers sent two nominations and added that the Utah Health Care Association may nominate more than one person. Ms. Gallagos stated she would submit another candidate for each sub-committee.

5. **Small Health Care Facilities Type "N" – Issue Paper**

Mr. Springmeyer reviewed the issue paper with the committee members. At the last meeting, the committee requested a couple of months to review the issue paper. The Bureau requested some direction regarding the regulation or de-regulation of the Type "N" facilities.

Dr. Jorgensen asked if Bureau staffing limitations were a factor to consider whether the Type N homes should be de-regulated? Ms. Wynkoop-Green responded that it is not, and the staff perform annual surveys. The Bureau has been impacted by the growing Assisted Living industry with 21 projects in the construction phase (1400 beds). There are currently 13 Type "N" programs (39 beds).

Ms. Rollins queried how many complaints are received for the Type "N" programs?

Mr. Eagar stated that very few complaints are received since most programs are in a close-knit, familiar environment, and generally the families of the resident(s) already know the provider. Ms. Wynkoop-Green stated that because the Bureau coordinates with the local ombudsman and Adult Protective Services, inspections of poor quality of care and the prosecutions done for operating without a license, have been with unlicensed providers who operated as Type "N" facilities.

Ms. Siskin stated her concern that if there isn't regulation, facilities may provide poor quality of care and if the State is not involved, she feels there will be more cases where people die because of improperly installed bed rails or other safety issues. She stated that there should be some regulation.

Mr. Eagar provided the history of the regulations of Type "N" facilities; when the original rule was proposed, it was part of the old Residential Health Care Facility category. In the original language of the Type "N", all residents had to be able to evacuate in three minutes. The rule was then amended from three minutes to "timely," and then the language was removed completely. The original rule was very specific in requiring facilities to bring home health services in, or contract with a private nurse and

involve the family in all aspects of care of the three residents. In the latest amendment of the Assisted Living rules there was a concerted effort to permit Home Health services.

Ms. Siskin queried, of the Type “N” facilities currently operating, what type of residents do they have, and what the licensing category they would be if the Type “N” facility was eliminated? Ms. Siskin asked if they fit more in Assisted Living II or Nursing Care? Mr. Eagar responded they fit in both. Some facilities have admitted and retained residents that are bedridden. Discussion Followed.

Mr. Springmeyer requested Mr. Eagar to summarize the difference in staffing levels in Skilled Nursing, Assisted Living II and Type “N” facilities. Mr. Eagar responded that a Skilled Nursing facility, requires a 24 hour licensed nurse on site; the Assisted Living II rule requires there is intermittent nursing services available – some have an RN on staff, some have an LPN on staff who are supervised by contract by an RN, and some have CNA’s. Type “N” requires a CNA on site if the owner/operator is not a licensed nurse.

Ms. Rollins asked if a sub-committee could be created to address some of the inconsistencies. Mr. Springmeyer agreed that it would be a good idea. Mr. Stransky moved that a sub-committee be formed to address the inconsistencies regarding licensing rules for Type “N” facilities. Dr. Jorgensen added that owners of Type “N” facilities should be invited to be on the sub-committee and seconded the motion. The motion **PASSED** unanimously.

Ms. Rollins asked for a chairperson for the sub-committee. Ms. Siskin volunteered. Ms. Gallagos asked to be informed of meetings of the sub-committee.

Ms. Carol Blawick requested the ombudsman from Provo, Chad McNibben, be invited to be on the sub-committee. Mr. Naylor suggested having representation from the state or local fire marshals.

#### **6. Collection of Funds on Resident’s Death**

Ms. Wynkoop-Green reported there is concern that when a resident at a health care facility passes away and has money to be dispersed, and there are numerous family members, who is responsible to take care of the funds when there is no will? Mr. Bigler responded that the Office of Public Guardian could be a possible place to handle it. Ms. Siskin inquired as to where the money would go if there is no family at all. Ms. Wynkoop-Green responded that it goes to the State of Utah’s general fund.

Ms. Rollins inquired if Frank Mylar, Department Legal Council, could draft a concept summary of the proposed changes and present it to the committee at the next meeting? Mr. Mylar stated he would.

Ms. Rollins inquired if the discussion should be held at Ms. Gallagos’ meetings because it impacts facilities in her organization? Ms. Rollins requested to continue the discussion at the next meeting with Mr. Mylar’s concept summary. The committee members agreed.

7. **BCI Rule Change**

Ms. Wynkoop-Green reviewed changes made to R432-35 Background Screening rule due to the passage of Senate Bill 194 made to the statute and the changes made to make the rules consistent with the statute.

Ms. Medina inquired if a person had a background check done at one facility and then goes to a different facility, will another background check have to be done?

Ms. Wynkoop-Green responded saying they do.

Ms. Siskin queried if it would be a good idea to do another training on the BCI form? Ms. Wynkoop-Green stated that an article is in the newsletter and training is available upon request.

Dr. Jorgensen moved to approve the changes in the background screening rule, R432-35. Ms. Siskin seconded the motion. The motion **PASSED** unanimously.

8. **Other Items**

Mr. Eagar reviewed the proposed changes for the “Request For Agency Action/License Application” form. Ms. Wynkoop-Green requested comments and suggestions from the committee. Ms. Siskin moved to accept the proposed changes to Hospice options from “Inpatient ☐ Outpatient ☐” to be “Main Office ☐ Branch Office ☐ and Inpatient ☐” in section C of the Request For Agency Action/License Application. Ms. Wanta seconded the motion. The motion **PASSED** unanimously.

The meeting adjourned at 10:25 a.m.